

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

## **ORDER**

Plaintiff filed a complaint in Case No. CV419-194 on August 8, 2019. Doc. 1. However, this complaint appears to have been in response to a prior order of this Court in Case No. CV419-135 requiring plaintiff to file an amended complaint. Doc. 11. Rather than filing the complaint in that case, a new case was opened—possibly erroneously. Notably, letters from plaintiff have been filed in both cases and plaintiff has repeatedly attempted to amend his complaint piecemeal via letter. See Case No. CV419-135, doc. 16; Case No. CV419-194, doc. 16. Accordingly, plaintiff is **DIRECTED** to inform the Court within thirty days from the date of this Order whether he intends to pursue two separate cases—and if he does—he must file an amended complaint in

**each** case.<sup>1</sup> If he intends to pursue only one suit, he is **DIRECTED** to file a single amended complaint within thirty days from the date of this Order in Case No. CV419-135 **only**. Plaintiff, however, is advised that—regardless of which option he chooses—his amended complaint will supersede the original complaint and therefore must be complete in itself. *See Malowney v. Fed. Collection Deposit Grp.*, 193 F.3d 1342, 1345, 1345 n.1 (11th Cir. 1999) (“An amended complaint supersedes an original complaint”); *Varnes v. Local 91, Glass Bottle Blowers Ass’n of U.S. & Canada*, 674 F.2d 1365, 1370 n.6 (11th Cir. 1982) (“As a general rule, an amended complaint supersedes and replaces the original complaint unless the amendment specifically refers to or adopts the earlier pleading”).

**SO ORDERED**, this 14th day of November, 2019.



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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Plaintiff is warned, however, that if he chooses to pursue two separate suits fees will be assessed against him for **both** cases pursuant to 28 U.S.C. § 1915(b)(1).